

CHAPTER 14 COMMERCIAL TRANSPORTATION SAFETY

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1400 COMPLIANCE WITH FEDERAL REGULATIONS

- 1400.1 Section 4(6) of the District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, D.C. Law 7-190, D.C. Code § 6-3303(6) (1989 Repl. Vol.), directs the Mayor to establish a “system to ensure motor carrier safety consistent with the Federal motor carrier safety regulations that will qualify the District for federal grant assistance.”
- 1400.2 In accordance with this statutory directive, all vehicles identified in § 1401.1 shall be operated in compliance with title 49 of the Code of Federal Regulations, Parts 171 through 180, Part 383, Part 387, and Parts 390 through 397 currently in effect.

1401 APPLICATION

- 1401.1 Except as otherwise exempted, this chapter shall be applicable to all self-propelled or towed vehicles operating on the streets and highways of the District of Columbia, if the following occurs:
- (a) The gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of the vehicle exceeds ten thousand (10,000) pounds;
 - (b) The vehicle is designed to transport more than fifteen passengers, including the driver; or
 - (c) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under title 49 of the Code of Federal Regulations.
- 1401.2 This chapter shall apply to all motor carriers of property and passengers, including common carriers by motor vehicle, contract carriers by motor vehicle, private carriers by motor vehicle, and any agent, officer, representative or

employee who is responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

- 1401.3 All motor carriers engaged in intrastate commerce within the District of Columbia shall conduct their operations in accordance with the regulations established under this chapter.
- 1401.4 With respect to any intrastate motor carriers covered by this chapter, any notices or requests which the carriers are permitted or required to make to the U.S. Department of Transportation or designated officials, shall instead be made to the Metropolitan Police Department.
- 1401.5 Each motor carrier and shipper shall be instructed in, familiar with, and comply with the applicable rules in this chapter.
- 1401.6 All regulations and parts of regulations in effect in the District of Columbia which are inconsistent with the provisions of this chapter are superseded with respect to matters covered by this chapter, unless specifically stated otherwise.

1402 EXEMPTIONS

- 1402.1 Unless otherwise specifically provided, the regulations set forth in this chapter shall not apply to the following:
 - (a) School buses and school bus operations as defined in 49 CFR § 390.5;
 - (b) Transportation performed by the federal or District of Columbia government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States;
 - (c) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
 - (d) The transportation of human corpses or sick and injured persons;
 - (e) The operation of police, fire, and rescue vehicles while involved in emergency and related operations; and

1403 ROUTING

- 1403.1 The following roadways have been posted for the interstate routing of hazardous materials through the District of Columbia by motor vehicles required to display markings or placards:

- (a) Interstate 295 from the D.C. - Md. boundary at Oxon Run Creek, to the interchange with Interstate 695 in the vicinity of 11th and L Streets, S.E.;
- (b) Interstate 695, from the interchange with Interstate 295, in the vicinity of 11th and L Streets, S.E., to the interchange with Interstate 395, in the vicinity of 2nd and E Streets, S.W.;
- (c) Interstate 395 from the D.C. - Va. boundary, to the interchange with Interstate 695 in the vicinity of 2nd and E Streets, S.W.;
- (d) The Anacostia Freeway from the Kevin Welch Memorial Bridge, to East Capitol Street; and
- (e) Kenilworth Avenue, N.E., from East Capitol Street to the D.C.- Maryland line.

1403.2 No motor vehicle, trailer, or other cargo-carrying body which is transporting hazardous materials, and is required to display markings or placards, shall enter the following tunnels or any access ramp to the tunnels:

- (a) The Interstate - 395 freeway tunnel from the south portal to the most northerly portal at K Street, N. W.; and
- (b) The Ninth Street Expressway tunnel from the north portal at Madison Drive to the south portal, which is south of Independence Avenue.

1403.3 Through hazardous materials traffic, while in the District of Columbia, is restricted to routes designated in § 1403.1.

1404 DECLARATION OF KNOWLEDGE

1404.1 Registrants of any vehicle subject to the regulations adopted under this chapter shall certify that they have personal knowledge of all applicable federal and District of Columbia motor carrier safety regulations, to include the transportation of hazardous materials. This certification shall be made at the time a vehicle is initially registered in the District of Columbia.

1405 AMENDMENTS OF 49 CFR

1405.1 Part 390 is amended to read as follows:

- (a) 390.3(a) Add: “or intrastate” after “interstate”; and
- (b) 390.9: This section shall not apply.

1405.2 Part 391 shall be complied with without amendment.

1405.3 Part 392 shall be complied with without amendment.

1405.4 Part 393 is amended to read as follows:

393.3 Add: “D.C. Law, other regulations, or” between “prohibited by” and “this.”

1405.5 Repealed 47 DCR 8861

1405.6 Part 395 is amended to read as follows:

- (a) 395.13(a) Add: “authorized member of the Metropolitan Police department, and” after “Every”;
- (b) 395.13(c) (2) Replace: “A motor carrier” with “(i) If a special agent of the Federal Highway Administration declares a driver out of service, a motor carrier”; and add: “A copy of the completed form MCS-63 also shall be delivered to the Metropolitan Police Department, Motor Carrier Safety Unit, within the prescribed fifteen (15) day period. (ii) If a police officer declares a driver out of service, a motor carrier shall certify that all violations noted have been corrected by completing the “signature of carrier official, title, and date signed” portions of the Driver-Vehicle Inspection Report form and deliver the form by mail or in person, within fifteen (15) days following the date of inspection, to the Metropolitan Police Department, Motor Carrier Safety Unit. If the motor carrier mails the form, delivery is made on the date it is postmarked.” after “postmarked”;
- (c) 395.15(j) (1) Add: “or Metropolitan Police Department” after “FHWA”; and
- (d) 395.15(j) (2) Add: “or Metropolitan Police Department” after “FHWA.”

1405.7 Part 396 is amended to read as follows:

- (a) 396.1 Add: “(a)” before “Every” and add “(b) Where reference is made in this part to a Driver Equipment Compliance Check or to form MCS-63, it shall also mean a Metropolitan Police Department Driver-Vehicle Inspection Report”;
- (b) 396.9(a) Delete 49 CFR 396.9(a) and replace with new language to read as follows:

- (a) Personnel authorized to perform inspections - (1) Every special agent of the FHWA (as defined in Appendix B to this subchapter) and certified motor carrier inspectors of the Metropolitan Police Department are authorized to enter upon and perform inspections of motor carrier's vehicles in operation. (2) A motor vehicle, or in the instance of a vehicle combination, a component vehicle of the combination, which bears a current and valid CVSA inspection sticker issued by the District of Columbia or other member jurisdiction of the Commercial Vehicle Safety Alliance is not subject to an inspection of its mechanical condition unless: (i) specifically authorized by the Commander, Traffic Enforcement Branch; or (ii) a person who is authorized in subsection (a) (1) of this section to conduct an inspection has reasonable grounds to believe the vehicle has not passed an inspection as indicated by the sticker or that the vehicle currently has safety defects.
- (c) 396.9(b) Delete: "Authorized FHWA personnel" and replace with "personnel authorized in § (a) (1)";
- (d) 396.9(c) (1) Add: "Approved by the Metropolitan Police Department" after "sticker" and add to end: "The Metropolitan Police Department shall determine and specify the criteria to be used in placing a vehicle out of service";
- (e) 396.9(d) (3) (ii) Delete and replace with: "If the inspection report was issued by a special agent of the FHWA return the completed report to the BMCS office at the address indicated on the report, and forward a copy of the completed report to the Metropolitan Police Department, Motor Carrier Safety Unit"; and
- (f) 396.9(d) (3) Add: "(iii) If the inspection report was issued by an officer of the Metropolitan Police Department, return the completed report to the Motor Carrier Safety Unit."

1405.8 Part 397 is amended to read as follows:

397.9(a) Add: "(1)" before "Unless"; and at end add: "(2) Motor vehicles containing hazardous materials not intended for local delivery shall traverse the District of Columbia on those routes designated for the transportation of hazardous cargo."

1406 OTHER FEDERAL REGULATIONS

- 1406.1 Motor carriers and shippers shall be required to comply with all other federal regulations that are referenced in title 49 of the Code of Federal Regulations, Parts 171 through 180, 383, and 390 through 397.

1407 OUT-OF-SERVICE CRITERIA

- 1407.1 The Metropolitan Police Department shall utilize the most recent printing of Appendix A of the North American Uniform Out-Of-Service Criteria, published by the Commercial Vehicle Safety Alliance, to determine which vehicles or drivers will be placed out-of-service as the result of a safety inspection, including on-site compliance reviews.
- 1407.2 The North American Uniform Out-Of-Service Criteria, published by the Commercial Vehicle Safety Alliance, is hereby incorporated by reference.

1408 FINES FOR VIOLATIONS OF CHAPTER 14

The infractions and their respective fine amounts set forth in this section are in addition to applicable infractions and related fine levels contained in Chapter 26, 18 DCMR, but do not include those major moving violations for which jurisdiction remains in the Superior Court.

1408.2 Out-of-Service Violations - Drivers

The following fines shall apply to failure to comply with 49 CFR Parts 383, 391, 392, and 395; and Part 1 of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (a) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1 st Violation	\$ 500.00
2 nd Violation	\$ 1,000.00
3 rd or subsequent Violation	\$ 1,500.00
Violation of Out-of-Service Notice	\$ 1,000.00

Disqualified Driver

Drugs - Under the Influence

Drugs Possession

Intoxicants - Under the Influence

Intoxicants - Consumption

Intoxicants - Possession of Open Container

Intoxicants - Detectable Presence

- (b) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 200.00
3 rd or subsequent Violation	\$ 300.00
Intentional Falsification of Record of Duty Status	\$ 300.00
Violation of Out-of-Service Notice	\$ 1,000.00

Impaired Driver (Sick or Fatigued)

10 Hour Driving Violation

Driving After 15 Hours On-Duty

Driving After 60/70 Hours

No Record of Duty Status

No Record of Duty Status (Previous Seven Days)

All other hours of service violations

- (c) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 125.00
3 rd or subsequent Violation	\$ 150.00
Violation of Out-of-Service Notice	\$ 1,000.00

Driver Under 21 (18 Canada)

No Operators License (non-CDL)

CDL Violations (Learner Endorsement/Restrictions, Class)

License - Improper Class/Endorsement

No Waiver of Physical Disqualification When Required

Intoxicants - Possession of Unopened Container in Cab

1408.3 Out-of-Service Violations - Vehicles

The following fines shall apply to failure to comply with 49 CFR Parts 393 and 396, and Part II of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (a) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 300.00
3rd or subsequent Violation	\$ 600.00
Violation of Out of Service Notice	\$ 1,000.00

Air Compressor Loose or Broken Pulley or Mounting

Air Loss Rate

Breakaway Braking Device

Cracked or Broken Brake Drum or Rotor

Defective Braking Action

Electric Brakes (including Breakaway Device)

Missing or Broken Brake Component

Tractor Protection Valve

Hydraulic Brakes (No Pedal Reserve)

Vacuum System Reserve

Coupling Devices, All (When in Use)

Frame Cracked, Broken, Displaced

Tire and Wheel Clearance

Safe Loading

Steering Mechanism

Tires Steering Axle

Emergency Exits (Buses)

- (b) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 150.00
3rd or subsequent Violation	\$ 250.00
Violation of Out-of-Service Notice	\$ 1,000.00

Air Reservoir Security

Air Compressor Mounting Bolts

Power Assist Unit (Fails to Operate)

Hydraulic Brake Hose Leaks (On Application)

Hydraulic System Failure Warning System

Vacuum Hoses or Lines

Brake Loose Component

Brake Readjustment Limits

Brake Linings or Pads

Brake Mismatch (Steering)

Parking Brakes (Inoperable Breakaway System)

Brake Hose/Tubing

Low Pressure Warning Device

Adjustable Axle (Pins and Locks)

Fuel Tank Mounting

Head and Tail Lamps

Turn and Stop Lamps

Suspension

Wheel and Rims

Van and Open Top Trailers

- (c) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 200.00
3rd or subsequent Violation	\$ 300.00
Violation of Out-of-Service Notice	\$ 1,000.00

Master Cylinder (Less than 1/4 Full)

Exhaust System (All)

Audible Air Leak at Brake Chamber

Fuel System Leaking, Loose Cap

Tires Steering Axle (All Others)

Windshield Wipers

1408.4 Out-of-Service Violation - Hazardous Materials

The following fines shall apply to failure to comply with 49 CFR Parts 171-180, and 397, and Part III of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (a) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1st Violation	\$ 250.00
2nd Violation	\$ 500.00
3rd or subsequent Violation	\$ 1,000.00
Violation of Out of Service Notice	\$ 1,000.00

Placarding/Present When Required

Bulk Packages

Poison Inhalation Hazard Markings/Non-Bulk Packaging

Poison Inhalation Hazard Markings/Bulk Packaging

Non-Bulk Packaging

Loading and Securement

Forbidden Items

Radioactive Materials Levels (At surface)

- (b) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
Any Violation	\$ 100.00
Violation of Out-of-Service Notice	\$ 1,000.00

Placarding/Number and Type

- (c) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 125.00
3rd or subsequent Violation	\$ 150.00
Violation of Out-of-Service Notice	\$ 1,000.00

Shipping Papers - General

Bulk Package Markings

1408.5 Other Than Out-Of-Service Violations

- (a) Other than Out-of-Service violations shall include those violations of regulations contained in 49 CFR, Parts 171-180, 383, 387 and 390-397, which do not meet the Out-Of-Service Criteria prescribed under the North American Uniform Out-of-Service Criteria.
- (d) The following fine shall apply to other than Out-Of-Service Violations. Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

VIOLATION	FINE
1 or more Violation Imposed During Any One Inspection	\$ 100.00

1408 FINES FOR VIOLATIONS OF CHAPTER 14

The infractions and their respective fine amounts set forth in this section are in addition to applicable infractions and related fine levels contained in Chapter 26, 18 DCMR, but do not include those major moving violations for which jurisdiction remains in the Superior Court.

1408.2 Out-of-Service Violations - Drivers

The following fines shall apply to failure to comply with 49 CFR Parts 383, 391, 392, and 395; and Part 1 of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (c) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1 st Violation	\$ 500.00
2 nd Violation	\$ 1,000.00
3 rd or subsequent Violation	\$ 1,500.00
Violation of Out-of-Service Notice	\$ 1,000.00

Disqualified Driver

Drugs - Under the Influence

Drugs Possession

Intoxicants - Under the Influence

Intoxicants - Consumption

Intoxicants - Possession of Open Container

Intoxicants - Detectable Presence

- (d) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 200.00
3 rd or subsequent Violation	\$ 300.00
Intentional Falsification of Record of Duty Status	\$ 300.00
Violation of Out-of-Service Notice	\$ 1,000.00

Impaired Driver (Sick or Fatigued)

10 Hour Driving Violation

Driving After 15 Hours On-Duty

Driving After 60/70 Hours

No Record of Duty Status

No Record of Duty Status (Previous Seven Days)

All other hours of service violations

- (c) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 125.00
3 rd or subsequent Violation	\$ 150.00
Violation of Out-of-Service Notice	\$ 1,000.00

Driver Under 21 (18 Canada)

No Operators License (non-CDL)

CDL Violations (Learner Endorsement/Restrictions, Class)

License - Improper Class/Endorsement

No Waiver of Physical Disqualification When Required

Intoxicants - Possession of Unopened Container in Cab

1408.3 Out-of-Service Violations - Vehicles

The following fines shall apply to failure to comply with 49 CFR Parts 393 and 396, and Part II of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (e) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1 st Violation	\$ 100.00
2 nd Violation	\$ 300.00
3 rd or subsequent Violation	\$ 600.00
Violation of Out of Service Notice	\$ 1,000.00

Air Compressor Loose or Broken Pulley or Mounting

Air Loss Rate

Breakaway Braking Device

Cracked or Broken Brake Drum or Rotor

Defective Braking Action

Electric Brakes (including Breakaway Device)

Missing or Broken Brake Component

Tractor Protection Valve
Hydraulic Brakes (No Pedal Reserve)
Vacuum System Reserve
Coupling Devices, All (When in Use)
Frame Cracked, Broken, Displaced
Tire and Wheel Clearance
Safe Loading
Steering Mechanism
Tires Steering Axle
Emergency Exits (Buses)

- (f) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 150.00
3rd or subsequent Violation	\$ 250.00
Violation of Out-of-Service Notice	\$ 1,000.00

Air Reservoir Security
Air Compressor Mounting Bolts
Power Assist Unit (Fails to Operate)
Hydraulic Brake Hose Leaks (On Application)
Hydraulic System Failure Warning System
Vacuum Hoses or Lines
Brake Loose Component
Brake Readjustment Limits
Brake Linings or Pads
Brake Mismatch (Steering)
Parking Brakes (Inoperable Breakaway System)
Brake Hose/Tubing
Low Pressure Warning Device
Adjustable Axle (Pins and Locks)
Fuel Tank Mounting
Head and Tail Lamps

Turn and Stop Lamps

Suspension

Wheel and Rims

Van and Open Top Trailers

- (g) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 200.00
3rd or subsequent Violation	\$ 300.00
Violation of Out-of-Service Notice	\$ 1,000.00

Master Cylinder (Less than 1/4 Full)

Exhaust System (All)

Audible Air Leak at Brake Chamber

Fuel System Leaking, Loose Cap

Tires Steering Axle (All Others)

Windshield Wipers

1408.4 Out-of-Service Violation - Hazardous Materials

The following fines shall apply to failure to comply with 49 CFR Parts 171-180, and 397, and Part III of Appendix A of the North American Uniform Out-Of-Service Criteria.

- (d) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP I VIOLATIONS	FINE
1st Violation	\$ 250.00
2nd Violation	\$ 500.00
3rd or subsequent Violation	\$ 1,000.00
Violation of Out of Service Notice	\$ 1,000.00

Placarding/Present When Required

Bulk Packages

Poison Inhalation Hazard Markings/Non-Bulk Packaging

Poison Inhalation Hazard Markings/Bulk Packaging

Non-Bulk Packaging

Loading and Securement

Forbidden Items

Radioactive Materials Levels (At surface)

- (e) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP II VIOLATIONS	FINE
Any Violation	\$ 100.00
Violation of Out-of-Service Notice	\$ 1,000.00

Placarding/Number and Type

- (f) Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

GROUP III VIOLATIONS	FINE
1st Violation	\$ 100.00
2nd Violation	\$ 125.00
3rd or subsequent Violation	\$ 150.00
Violation of Out-of-Service Notice	\$ 1,000.00

Shipping Papers - General

Bulk Package Markings

1408.5 Other Than Out-Of-Service Violations

- (a) Other than Out-of-Service violations shall include those violations of regulations contained in 49 CFR, Parts 171-180, 383, 387 and 390-397, which do not meet the Out-Of-Service Criteria prescribed under the North American Uniform Out-of-Service Criteria.
- (h) The following fine shall apply to other than Out-Of-Service Violations. Any violation of this subsection by the driver and/or motor carrier within the preceding 2 years shall be considered a prior violation for purposes of this subsection.

VIOLATION	FINE
1 or more Violation Imposed During Any One Inspection	\$ 100.00

